

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 78644

Roger L. German  
Mary A. German  
936 Bengies Road  
Baltimore MD 21220

918 Bengies Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 11, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BC) section 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease open dump, failure to cease use of property as a contractor's storage yard on residential property zoned DR 2 known as 918 Bengies Road, 21220.

On July 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 8, 2010 for removal of untagged vehicles, remove open dump/junk yard, remove contractor's equipment storage yard, remove trash and debris from this residential property. This Citation was issued on July 14, 2010.

B. Records show this is an investment property. Photographs in the file show junk and contractor's equipment and supplies piled in the yard of this residential property, including panels of new windows; pipes and ductwork; metal frames; and piles of trash and debris. This violates prohibitions against the accumulation of junk, trash and debris on private property. BCC Section 13-4-201. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on this property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...").

C. Under Baltimore County Zoning Regulations, a contractor's equipment storage yard is the use of any space, inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage. BCZR Section 101.1. The zoning regulations do not permit use of residential property for a contractor's equipment storage yard. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations...."); BCZR Section 1B01.1, General use regulations in D.R. Zones; see BCZR Article 2, Schedule of Special Exceptions, 2 Attachment 1:1 (chart showing this use prohibited in all residential zones; use permitted by special exception in B.R. zone, and permitted in M.L. and M.H. zones). Respondents must remove all contractor's equipment and supplies from the yard of this residence.

D. Because compliance is the goal of code enforcement, the civil penalty will be REDUCED if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by September 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer